

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]**

Adopted and Filed

Rule making related to hazard mitigation and disaster recovery plan

The Department of Homeland Security and Emergency Management hereby amends Chapter 9, "Iowa Comprehensive Plan," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 17A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 29C.8.

Purpose and Summary

This rule making formally adopts the Iowa Hazard Mitigation Plan and the Iowa Disaster Recovery Plan. Both plans are reviewed on a regular basis and, when needed, updated versions of the plans are adopted by the Department. The review and public comment period have been completed for both plans, and the Department formally adopted these plans on September 17, 2018. In accordance with federal requirements, each plan will now be reviewed and amended as appropriate at a minimum of every five years.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 20, 2018, as **ARC 3846C**. A public hearing was held on July 10, 2018, at 11 a.m. in the Cyclones Conference Room, Suite 500, 7900 Hickman Road, Windsor Heights, Iowa. No one attended the public hearing. No public comments were received.

The Notice of Intended Action listed the projected adoption date for both plans as July 26, 2018. During the plan review conducted by FEMA, FEMA requested to have the adoption date moved to September 17, 2018, so that the adoption of the plans would occur on the same day as the five-year expiration of the prior plan. The Department accommodated that request by making changes from the Notice to set the adoption date for both plans in Items 1 and 2 as September 17, 2018.

Adoption of Rule Making

This rule making was adopted by the Department on September 5, 2018.

Fiscal Impact

This rule making has a fiscal impact to the state of Iowa. During times of major disaster as declared by the President, these plans are key to allowing federal recovery and mitigation funds to flow into the state. While the timing and scale of disasters cannot be predicted, these plans provide detail on how efforts and funding in the state will be applied to provide an effective recovery for Iowa. Since 1990, these plans have enabled \$2.25 billion in federal recovery and mitigation funds to flow into Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 31, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 605—9.3(29C) as follows:

605—9.3(29C) Part B: Iowa Hazard Mitigation Plan. The Part B: Iowa Hazard Mitigation Plan is developed in accordance with Iowa Code section 29C.8, and has been adopted on ~~September 17, 2013~~ September 17, 2018, published, and maintained by the department. Part B details the state government goals, objectives, and strategies to mitigate a wide range of natural, technological or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165.

1. to 3. No change.

4. The department updates the plan by amendments promulgated by rule in accordance with Iowa Code chapter 17A and distributes amendments to all plan holders on the department distribution list. Part B shall be reviewed and amended as appropriate at a minimum of every ~~three~~ five years.

5. No change.

ITEM 2. Amend rule 605—9.4(29C) as follows:

605—9.4(29C) Part C: Iowa Disaster Recovery Plan. The Part C: Iowa Disaster Recovery Plan is developed in accordance with Iowa Code section 29C.8, and has been adopted on ~~March 20, 2008~~ September 17, 2018, published, and maintained by the department. Part C details the state government goals, objectives, and strategies to recover from a wide range of natural, technological, or human-caused disasters.

1. to 3. No change.

4. The department updates the plan by amendments promulgated by rule in accordance with Iowa Code chapter 17A and distributes amendments to all plan holders on the department distribution list. Part C shall be reviewed and amended as appropriate at a minimum of every ~~three~~ five years.

5. No change.

[Filed 9/5/18, effective 10/31/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/26/18.